

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/942,666

REMARKS

Claims 1-5, 7-25, 27-48, 50-66, 68, and 70-73 are all the claims pending in the application. Claims 1, 4, 5, 21, 24, 41, 44, 47, 64, 68 and 70-72 have been amended. No new matter has been introduced.

Rejections under 35 U.S.C. 112, second paragraph

The Examiner has rejected claims 21, 41 and 64 under 35 U.S.C. 112, second paragraph, as being allegedly indefinite. Applicants respectfully traverse this rejection in view of Applicants' amendments to the claims and further in view of the following arguments.

With respect to claims 21, 41 and 64, while Applicants continue to traverse the Examiner's characterization of the teachings of the disclosure, Applicants respectfully submit that the Examiner's rejection of these claims has been overcome by virtue of Applicants' amendments to those claims, wherein Applicants deleted "at least one of." The amendment of the claims conforms the language of the claims to the language of the specification. Therefore, the amended claims 21, 41 and 64 are patentable.

Rejections under 35 U.S.C. 101

The Examiner rejected claims 1-5, 7-25, 27-48, 50-66, 68 and 70-73 under 35 U.S.C. 101 as being allegedly directed to non-statutory subject matter. Applicants respectfully traverse this rejection in view of amendments to independent claims 1, 24, 44, 68 and 70-72 and further in view of the following arguments.

Specifically, in accordance with Examiner's suggestions appearing at page 6, paragraph 7 of the Office Action, Applicants amend the rejected independent claims 1, 24, 44, 68 and 70-72

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to recite generating and displaying temporary digital ink on a displayed media. In addition, Applicants amended the claims to recite “displayed digital ink”.

Applicants respectfully submit that the claimed temporary digital ink displayed on a media creates an improved image that that can be readily observed by a person, and, therefore, the amended claims recite a useful, concrete and tangible result. In other words, the claimed invention as a whole accomplishes a practical application, including an improved image created when the temporary digital ink is displayed on a media. For this reason, claims 1, 24, 44, 68 and 70-72 do not recite an abstract idea, and, therefore, they are directed to statutory subject matter and are allowable under 35 U.S.C. 101. State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02.

Thus, for all the foregoing reasons, claims 1-5, 7-25, 27-48, 50-66, 68 and 70-73, which include both the amended independent claims 1, 24, 44, 68 and 70-72 and their respective dependent claims, are directed to statutory subject matter and, therefore, are patentable.

Conclusion

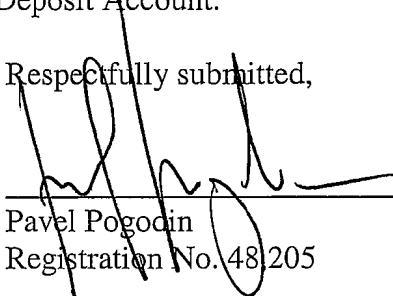
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/942,666

Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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